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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RAUL URIARTE-LIMON,

Plaintiff,

VS.

CARNICERIA LOS COMPADRES
MEAT MARKET, INC., a California
corporation; CHUNG SOON KYO LLC,
a California limited liability company;
and DOES 1-10.

Defendants.

| Case No.:

COMPLAINT FOR:

DENIAL OF CIVIL RIGHTS AND
ACCESS TO PUBLIC FACILITIES
TO PHYSICALLY DISABLED
PERSONS IN VIOLATION OF THE
AMERICANS WITH DISABILITIES
ACT OF 1990, (42 U.S.C. §12101, *et*
seq.) AND THE UNRUH CIVIL
RIGHTS ACT, (CALIFORNIA CIVIL
CODE §51, *et seq.*)

DEMAND FOR JURY TRIAL

“[T]he continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous.” 42 U.S.C. §12101(a)(8).

1 Plaintiff RAUL URIARTE-LIMON (hereinafter referred to as “Plaintiff”)
2 complains of CARNICERIA LOS COMPADRES MEAT MARKET, INC., a
3 California corporation; CHUNG SOONKYO LLC, a California limited liability
4 company; and DOES 1-10, (each, individually a “Defendant” and collectively
5 “Defendants”) and alleges as follows:

6 **I. PARTIES**

7 1. Plaintiff RAUL URIARTE-LIMON is a California resident and a
8 qualified physically disabled person. He cannot walk due to paraplegia and uses a
9 wheelchair for mobility. Plaintiff prides himself on his independence and on
10 empowering other disabled persons to be independent.

11 2. Defendants CARNICERIA LOS COMPADRES MEAT MARKET,
12 INC.; CHUNG SOONKYO LLC, are and were the owners, operators, lessors
13 and/or lessees of the subject business, property, and facility at all times relevant in
14 this Complaint.

15 3. Plaintiff does not know the true names of Defendants, their business
16 capacities, their ownership connection to the property and business, or their
17 relative responsibilities in causing the access violations herein complained of, and
18 alleges a joint venture and common enterprise by all such Defendants. Plaintiff is
19 informed and believes that each of the Defendants herein, including DOES 1
20 through 10, inclusive, is responsible in some capacity for the events herein alleged,
21 or is a necessary party for obtaining appropriate relief. Plaintiff will seek leave to
22 amend when the true names, capacities, connections, and responsibilities of the
23 Defendants and Does 1 through 10, inclusive, are ascertained.

24 4. Defendants own and owned the property located at 3572 Martin Luther
25 King Jr Blvd, Lynwood, CA 90262 (“Subject Property”) at all relevant times.

26 5. Defendants operate and operated a meat market doing business as
27 CARNICERIA LOS COMPADRES MEAT MARKET (“meat market”), located at
28 the Subject Property, at all relevant times.

1 6. Plaintiff alleges that the Defendants have been and are the owners,
2 franchisees, lessees, general partners, limited partners, agents, trustees, employees,
3 subsidiaries, partner companies and/or joint ventures of each of the other
4 Defendants, and performed all acts and omissions stated herein within the course
5 and scope of such relationships causing the damages complained of herein.

II. JURISDICTION AND VENUE

7 7. This Court has subject matter jurisdiction over this action pursuant to
8 28 U.S.C. §1331 and §1343(a)(3) and (a)(4) for violations of the Americans with
9 Disabilities Act of 1990, U.S.C. §12101, *et seq.*

10 8. Pursuant to supplemental jurisdiction, an attendant and related cause
11 of action, arising out of the same nucleus of operative facts and arising out of the
12 same transactions, is also brought under California's Unruh Civil Rights Act,
13 which expressly incorporates the Americans with Disabilities Act.

14 9. Venue is proper in this court pursuant to 28 U.S.C. U.S.C. §1391(b)
15 and is founded on the fact that the real property which is the subject of this action
16 is located in this district and that Plaintiff's causes of action arose in this district.

III. FACTS

18 || 10. Plaintiff uses a wheelchair for mobility.

19 11. Defendants' business is open to the public, a place of public
20 accommodation, and a business establishment.

21 12. Plaintiff went to the meat market on July 29, 2023 and August 31,
22 2023 to shop and purchased nearly five-hundred dollars' worth of food in total.
23 The receipts he received for his purchases are shown in the photo below.

24	/ /
25	/ /
26	/ /
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14. Unfortunately, during Plaintiff's visit to the meat market, Defendants did not offer persons with disabilities equivalent facilities, privileges, advantages, and accommodations offered to other persons.

15. Plaintiff encountered barriers that totally interfered with and denied Plaintiff the ability to use and enjoy the goods, services, privileges, advantages, and accommodations offered by Defendants at the Subject Property.

16. These barriers violate one or more standards of the Americans with Disabilities Act ("2010 ADA Standards") and/or the California Building Codes ("2022 CBC").

17. Parking for patrons visiting the Subject Property is among the facilities, privileges advantages, and accommodations offered by Defendants.

18. When parking is provided, there must be at least one accessible parking space designated and marked for disabled persons. However, there is no accessible parking for disabled persons because the parking spaces designated for

1 disabled persons do not comply with the applicable standards. 2010 ADA §502 et
2 seq.; 2022 CBC 11B-502 et seq.

3 18. The paint used for the designated accessible parking space and
4 adjacent access aisle was badly faded and cannot be clearly seen. There is no way
5 to determine the actual dimensions of the space and whether the adjacent loading
6 and unloading access aisle is the correct width for an accessible space. The
7 International Access Symbol was so faded and worn it cannot be clearly identified.
8 ADA 2010 §502.3.3; ADA 2010 §502.6; 2022 CBC 11B-502.3.3; 2022 CBC 11B
9 502.6; 2022 CBC 11B-108.

10 19. The parking space's adjacent access aisle did not say "No Parking," or
11 the paint is so faded it cannot be clearly identified. ADA 2010 §502.3.3; 2022 CBC
12 11B-502.3.3; 2022 CBC 11B-108.

13 20. There is no sign in a conspicuous place at the entrance to the facility,
14 or immediately adjacent to on-site accessible parking and visible from each
15 parking space, stating that vehicles parked in designated accessible spaces not
16 displaying a disabled placard or license plate will be towed. 2022 CBC 11B-502.8.

17 21. There is no accessible path of travel from the parking area to the
18 entrance of the store. The existing path of travel includes a curb cut near the
19 designated accessible parking space on the opposite side of the faded access aisle
20 which is also painted green and designated as part of a 20-minute parking zone.
21 2010 ADA Standards §206; ADA Standards §303.4; ADA Standards §403.4; 2022
22 CBC 11B-206; 2022 CBC 11B-303.4; 2022 CBC 11B-403.4.

23 22. A (partially redacted) photo taken on the day of Plaintiff's August 31,
24 2023 visit which shows one or more of these violations is below.

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16 23. Plaintiff personally encountered these barriers.

17 24. These inaccessible conditions denied Plaintiff full and equal access
18 and caused him difficulty, discomfort, and embarrassment.

19 25. The barriers existed during Plaintiff's visit to the meat market on July
20 29, 2023 and August 31, 2023.

21 26. Plaintiff alleges that Defendants knew that the architectural barriers
22 prevented equal access. Plaintiff further alleges that Defendants had actual or
23 constructive knowledge that the architectural barriers prevented equal access, and
24 that the noncompliance with the Americans with Disabilities Act and Title 24 of
25 the California Building Code regarding accessible features was intentional.

26 27. Plaintiff intends to return to Defendants' meat market in the near
27 future. Plaintiff is currently deterred from returning because of the knowledge of

1 barriers to equal access that relate to Plaintiff's disabilities which continue to exist
2 at Defendants' public accommodation facilities.

3 28. Defendants have obstructed or failed to maintain, in working and
4 useable conditions, those features necessary to provide ready access to persons
5 with disabilities. "A public accommodation shall maintain in operable working
6 condition those features of facilities and equipment that are required to be readily
7 accessible to and usable by persons with disabilities." 28 C.F.R. §36.211(a); 2022
8 CBC 11B-108.

9 29. The State of California Department of General Servicers, Division of
10 the State Architect (DSA) provides commentary to 2022 CBC 11B-108 as follows:

11 Features for accessibility must be permanently functional, unobstructed
12 and may not be removed. It is not sufficient to provide features such as
13 accessible routes, parking, elevators, ramps or signage if those features
14 are not maintained in a manner that enables individuals with disabilities
15 to use them. Inoperable elevators, locked accessible doors, or
16 'accessible' routes that are obstructed by furniture, filing cabinets or
potted plants are not accessible to nor usable by persons with
disabilities.

17 DSA, 2019 California Access Compliance Advisory Manual, p.84.

18 30. Defendants have the financial resources to remove these barriers
19 without much expense or difficulty in order to make their property more accessible
20 to their mobility impaired customers. These barriers are readily achievable to
21 remove. The United States Department of Justice has identified that these types of
22 barriers are readily achievable to remove.

23 31. To date, Defendants refuse to remove these barriers, in violation of
24 the law, willfully depriving disabled persons including Plaintiff of important civil
25 rights.

26 32. On information and belief, Plaintiff alleges that the Defendants'
27 failure to remove these barriers was intentional because the barriers are logical and
28 obvious. During all relevant times Defendants had authority, control and dominion

over these conditions and therefore the absence of accessible facilities was not a mishap but rather an intentional act.

3 33. The barriers to access are listed above without prejudice to Plaintiff
4 citing additional barriers to equal access by an amended complaint after inspection
5 by Plaintiff's Certified Access Specialist (CASp). *Oliver v. Ralphs Grocery Co.*,
6 654 F.3d 903 (9th Cir. 2011); *Doran v. 7-Eleven, Inc.*, 524 F.3d 1034 (9th Cir.
7 2008); *Chapman v. Pier One Imports (USA), Inc.*, 631 F.3d 939 (9th Cir. 2011).
8 All of these barriers to access render the premises inaccessible to physically
9 disabled persons who are mobility impaired, such as Plaintiff, are barriers Plaintiff
10 may encounter when he returns to the premises. All public accommodations must
11 be brought into compliance with all applicable federal and state accessibility
12 requirements.

FIRST CAUSE OF ACTION

Violation of the Americans With Disabilities Act of 1990

(42 U.S.C. §12101, *et seq.*)

(Against All Defendants)

17 34. Plaintiff alleges and incorporates by reference, as if fully set forth
18 again herein, each and every allegation contained in all prior paragraphs of this
19 complaint.

20 35. More than thirty years ago, the 101st United States Congress found
21 that although “physical or mental disabilities in no way diminish a person’s right to
22 fully participate in all aspects of society, yet many people with physical or mental
23 disabilities have been precluded from doing so because of discrimination...in such
24 critical areas as employment, housing, public accommodations, education,
25 transportation, communication, recreation, institutionalization, health services,
26 voting, and access to public services.” 42 U.S.C. §12101(a).

27 36. In 1990 Congress also found that "the Nation's proper goals regarding
28 individuals with disabilities are to assure equality of opportunity, full participation,

1 independent living, and economic self-sufficiency for such individuals,” but that
2 “the continuing existence of unfair and unnecessary discrimination and prejudice
3 denies people with disabilities the opportunity to compete on an equal basis and to
4 pursue those opportunities for which our free society is justifiably famous.” 42
5 U.S.C. §12101(a).

6 37. In passing the Americans with Disabilities Act of 1990, which was
7 signed into law by President George H. W. Bush on July 26, 1990 (hereinafter the
8 “ADA”), Congress stated as its purpose:

9 “It is the purpose of this Act

10 (1) to provide a clear and comprehensive national mandate for the
11 elimination of discrimination against individuals with disabilities;

12 (2) to provide clear, strong, consistent, enforceable standards
13 addressing discrimination against individuals with disabilities;

14 (3) to ensure that the Federal Government plays a central role in
15 enforcing the standards established in this Act on behalf of individuals
16 with disabilities; and

17 (4) to invoke the sweep of congressional authority, including the power
18 to enforce the fourteenth amendment and to regulate commerce, in
19 order to address the major areas of discrimination faced day to-day by
people with disabilities.”

20 42 USC §12101(b).

21 38. As part of the ADA, Congress passed “Title III – Public
22 Accommodations and Services Operated by Private Entities” (42 U.S.C. §12181 *et*
23 *seq.*). Title III of the ADA prohibits discrimination against any person “on the
24 basis of disability in the full and equal enjoyment of the goods, services, facilities,
25 privileges, advantages, or accommodations of any place of public accommodation
26 by any person who owns, leases (or leases to), or operates a place of public
27 accommodation.” 42 U.S.C. §12182(a).

1 39. The specific prohibitions against discrimination include, *inter alia*, the
2 following:

- 3 • 42 U.S.C. §12182(b)(1)(A)(ii): “Participation in Unequal Benefit. - It
4 shall be discriminatory to afford an individual or class of individuals,
5 on the basis of a disability or disabilities of such individual or class,
6 directly, or through contractual, licensing, or other arrangements, with
7 the opportunity to participate in or benefit from a good, service, facility,
privilege, advantage, or accommodation that is not equal to that
afforded to other individuals.”
- 8 • 42 U.S.C. §12182(b)(2)(A)(ii): “a failure to make reasonable
9 modifications in policies, practices, or procedures when such
10 modifications are necessary to afford such goods, services, facilities,
privileges, advantages, or accommodations to individuals with
11 disabilities...;”
- 12 • 42 U.S.C. §12182(b)(2)(A)(iii): “a failure to take such steps as may be
13 necessary to ensure that no individual with a disability is excluded,
denied service, segregated, or otherwise treated differently than other
14 individuals because of the absence of auxiliary aids and services...;”
- 15 • 42 U.S.C. §12182(b)(2)(A)(iv): “a failure to remove architectural
16 barriers, and communication barriers that are structural in nature, in
existing facilities... where such removal is readily achievable;”
- 17 • 42 U.S.C. §12182(b)(2)(A)(v): “where an entity can demonstrate that
18 the removal of a barrier under clause (iv) is not readily achievable, a
failure to make such goods, services, facilities, privileges, advantages,
20 or accommodations available through alternative methods if such
methods are readily achievable.”

23 40. Plaintiff is a qualified individual with a disability as defined in the
24 Rehabilitation Act and in the Americans with Disabilities Act of 1990.

25 41. The acts and omissions of Defendants set forth herein were in
26 violation of Plaintiff’s rights under the ADA and the regulations promulgated
27 thereunder, 28 C.F.R. Part 36 *et seq.*

1 42. The removal of each of the physical and policy barriers complained of
2 by Plaintiff as hereinabove alleged, were at all times herein mentioned “readily
3 achievable” under the standards of §12181 and §12182 of the ADA. Removal of
4 each and every one of the architectural and/or policy barriers complained of herein
5 was already required under California law. Further, on information and belief,
6 alterations, structural repairs or additions since January 26, 1993, have also
7 independently triggered requirements for removal of barriers to access for disabled
8 persons per §12183 of the ADA. In the event that removal of any barrier is found
9 to be “not readily achievable,” Defendants still violated the ADA, per
10 §12182(b)(2)(A)(v) by failing to provide all goods, services, privileges, advantages
11 and accommodations through alternative methods that were “readily achievable.”

12 43. On information and belief, as of the date of Plaintiff’s encounter at the
13 premises and as of the filing of this Complaint, Defendants’ actions, policies, and
14 physical premises have denied and continue to deny full and equal access to
15 Plaintiff and to other mobility disabled persons in other respects, which violate
16 Plaintiff’s right to full and equal access and which discriminate against Plaintiff on
17 the basis of his disabilities, thus wrongfully denying to Plaintiff the full and equal
18 enjoyment of the goods, services, facilities, privileges, advantages and
19 accommodations, in violation of 42 U.S.C. §12182 and §12183 of the ADA.

20 44. Defendants’ actions continue to deny Plaintiff’s rights to full and
21 equal access and discriminated and continue to discriminate against him on the
22 basis of his disabilities, thus wrongfully denying to Plaintiff the full and equal
23 enjoyment of Defendants’ goods, services, facilities, privileges, advantages and
24 accommodations, in violation of the ADA, 42 U.S.C. §12182.

25 45. Further, each and every violation of the Americans With Disabilities
26 Act of 1990 also constitutes a separate and distinct violation of California Civil
27 Code §51(f), §52, §54(c) and §54.1(d), thus independently justifying an award of
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1 damages and injunctive relief pursuant to California law, including but not limited
2 to Civil Code §54.3 and §55.

3 **SECOND CAUSE OF ACTION**

4 Violation of the Unruh Civil Rights Act

5 (California Civil Code §51, *et seq.*)

6 (Against All Defendants)

7 46. Plaintiff alleges and incorporates by reference, as if fully set forth
8 again herein, each and every allegation contained in all prior paragraphs of this
9 complaint.

10 47. California Civil Code §51 provides that physically disabled persons
11 are free and equal citizens of the state, regardless of their medical condition or
12 disability:

13 All persons within the jurisdiction of this state are free and equal, and
14 no matter what their sex, race, color, religion, ancestry, national origin,
disability, or medical condition are entitled to full and equal
15 accommodations, advantages, facilities, privileges, or services in all
16 business establishments of every kind whatsoever.

17 California Civil Code §51(b) (emphasis added).

18 48. California Civil Code §51.5 also states, in part: “No business,
19 establishment of any kind whatsoever shall discriminate against...any person in
20 this state on account” of their disability.

21 49. California Civil Code §51(f) specifically incorporates (by reference)
22 an individual’s rights under the ADA into the Unruh Act.

23 50. California Civil Code §52 provides that the discrimination by
24 Defendants against Plaintiff on the basis of his disability constitutes a violation of
25 the general antidiscrimination provisions of §51 and §52.

26 51. Each of Defendants’ discriminatory acts or omissions constitutes a
27 separate and distinct violation of California Civil Code §52, which provides that:
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Whoever denies, aids or incites a denial, or makes any discrimination or distinction contrary to section 51, 51.5, or 51.6 is liable for each and every offense for the actual damages, and any amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damage but in no case less than four thousand dollars (\$4,000), and any attorney's fees that may be determined by the court in addition thereto, suffered by any person denied the rights provided in Section 51, 51.5, or 51.6.

52. Any violation of the Americans with Disabilities Act of 1990 constitutes a violation of California Civil Code §51(f), thus independently justifying an award of damages and injunctive relief pursuant to California law, including Civil Code §52. Per Civil Code §51(f), “A violation of the right of any individual under the Americans with Disabilities Act of 1990 (Public Law 101-336) shall also constitute a violation of this section.”

53. The actions and omissions of Defendants as herein alleged constitute a denial of access to and use of the described public facilities by physically disabled persons within the meaning of California Civil Code §51 and §52.

54. The discriminatory denial of equal access to and use of the described public facilities caused Plaintiff difficulty, discomfort, and embarrassment.

55. As a proximate result of Defendants' action and omissions, Defendants have discriminated against Plaintiff in violation of Civil Code §51 and §52, and are responsible for statutory, compensatory and actual damages to Plaintiff, according to proof.

PRAYER FOR RELIEF

Plaintiff has no adequate remedy at law to redress the wrongs suffered as set forth in this Complaint. Plaintiff has suffered and will continue to suffer irreparable injury as a result of the unlawful acts, omissions, policies, and practices of the Defendants as alleged herein, unless Plaintiff is granted the relief he requests. Plaintiff and Defendants have an actual controversy and opposing

1 legal positions as to Defendants' violations of the laws of the United States and
2 the State of California.

3 The need for relief is critical because the civil rights at issue are paramount
4 under the laws of the United States of America and the State of California.

5 WHEREFORE, Plaintiff prays judgment against Defendants, and each of
6 them, as follows:

7 1. Issue a preliminary and permanent injunction directing
8 Defendants as current owners, operators, lessors, and/or lessees of the
9 Subject Property and premises to modify the above described property,
10 premises, policies and related facilities to provide full and equal access
11 to all persons, including persons with physical disabilities; and issue a
12 preliminary and permanent injunction pursuant to ADA §12188(a) and
13 state law directing Defendants to provide facilities and services usable
14 by Plaintiff and similarly situated persons with disabilities, and which
15 provide full and equal access, as required by law, and to maintain such
16 accessible facilities once they are provided; to cease any discriminatory
17 policies; and to train Defendants' employees and agents how to
18 recognize disabled persons and accommodate their rights and needs;

19 2. Retain jurisdiction over the Defendants until such time as
20 the Court is satisfied that Defendants' unlawful policies, practices, acts
21 and omissions, and maintenance of physically inaccessible public
22 facilities and policies as complained of herein no longer occur, and
23 cannot recur;

24 3. Award to Plaintiff all appropriate damages, including but
25 not limited to actual and statutory damages according to proof;

26 4. Award to Plaintiff all reasonable attorney fees, litigation
27 expenses, and costs of this proceeding pursuant to 42 U.S.C §12205 and
28 California Civil Code §52; and

1 5. Grant such other and further relief as this Court may deem
2 just and proper.

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4 DATED: September 5, 2023

VALENTI LAW APC

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6 By: /s/ Matt Valenti

7 Matt Valenti, Esq.
8 Attorney for Plaintiff

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JURY DEMAND

Plaintiff hereby demands a trial by jury for all claims and issues for which a jury is permitted.

DATED: September 5, 2023

VALENTI LAW APC

By: /s/ Matt Valenti

Matt Valenti, Esq.
Attorney for Plaintiff